



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

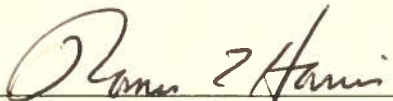
VOTE:

aye
aye
aye
aye
aye
aye

R-14-129: Motion to Enter Public Hearing

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby enter public hearing to consider the Noise Ordinance.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-130: Return to Open Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to open session.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-131: Action on Public Hearing Item - Noise Ordinance

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Noise Ordinance striking the language contained in Section 3.5 pertaining to hunting on Sundays, which reads as follows: "In addition to any other prohibitions contained in this ordinance, discharge of any firearm between the hours of 12:00 a.m. and 10:00 p.m. on any Sunday in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person or as to be plainly audible at a distance of 200 feet or more from its source. For the purposes of this ordinance, "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material."

A COPY TESTE:

Thomas E. Harris, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-132: Agenda Amendments

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adds the following items to the Consent Agenda: (1) an appropriation of \$238,980.00 (2) a budget adjustment of an additional \$3,125.00 for Sheriff's Department insurance reimbursement; (3) approval to transfer \$30,000.00 in personnel costs for a vacant position to a line item that will allow the County to purchase a truck for the Department of Environmental Inspections and; (4) a payment of \$53,360.00 for school construction in FY 2014.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-133: Approval of Regular Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the June 19, 2014 regular agenda, to include adding 14a under New Business, process of hiring a new County Administrator and adding the approval of the December 3, 2012 Minutes of the Sussex County Board of Supervisors be added to the agenda, as 13a under Unfinished Business.

A COPY TESTE:

Thomas E. Harris, Clerk



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PRESENT:

Charlie E. Caple, Jr.
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Raymond L. Warren

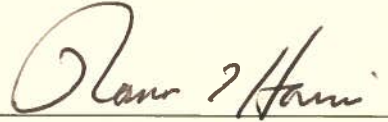
VOTE:

aye
aye
aye
aye
aye
aye

R-14-134: Approval of Consent Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the June 19, 2014 Consent Agenda, to wit: (a) Approval of Minutes of May 1, 2014 meeting; (b) Approval of Minutes of May 8, 2014 meeting; (c) Approval of Minutes of May 15, 2014 meeting; (d) Approval of Minutes of May 22, 2014 meeting; (e) Approval of Minutes of June 11, 2014 meeting; (f) Approve, Appropriate and Transfer; McGuire Woods; \$396.00; Mega Site; Professional Services (g) Approve, Appropriate and Transfer; Timmons Group; \$20,115.00; Mega Site/Hancock Tract, Land Development; (h) Approve, Appropriate and Transfer; Timmons Group; \$67,900.00; Mega Site/Hancock Tract, Boundary Survey; (i) Approve, Appropriate and Transfer; Timmons Group; \$19,600.00; Mega Site; Formal Jurisdictional Delineation; (j) Approval of Application and Certificate for Payment, Kenbridge Construction \$128,371.68, Commonwealth's Attorney Building; (k) Request for Appropriate of \$318,555.00, to complete the local match funds for the Tobacco Commission Grant #2822 for land purchase at the Sussex County Mega Site (Hancock Tract); (l) Approval of Warrants and Vouchers; (m) Approval of Resolution for Virginia Retirement System Contribution Rate at 10.68%; (n) Appropriation of \$238,980.00; (o) Approval of a budget adjustment of an additional \$3,125.00 for Sheriff's Department insurance reimbursement; (p) Approval to transfer \$30,000.00 in personnel costs for a vacant position to a line item that will allow the County to purchase a truck for the Department of Environmental Inspections and; (q) a payment of \$53,360.00 for school construction in Fiscal Year 2014.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

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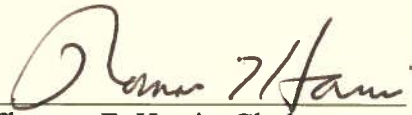
VOTE:

aye
aye
aye
aye
aye
aye

R-14-135: Appointment to the Social Services Board

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mrs. Cynthia Wyche Pegram, 11449 North Halifax Road, Stony Creek VA 23882, to the Social Services Board for a four year term, beginning July 1, 2014 and ending June 30, 2018.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-136: Appointment to Planning Commission

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Dennis Mason, 407 East Main Street, Wakefield VA 23888 to the Planning Commission for a four year term, beginning July 1, 2014 and ending June 30, 2018.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

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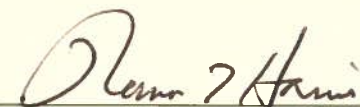
VOTE:

aye
aye
aye
aye
aye
aye

R-14-137: Appointment to Planning Commission

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HAMLIN and carried:
RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Jeffery Gary, 14044 Courthouse Road, Waverly VA 23890 to the Planning Commission for a four year term, beginning July 1, 2014 and ending June 30, 2018.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-138: Appointment to Building Code Appeals Board

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HAMLIN and carried:
RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Meade Fronfelter, Post Office Box 65, Waverly VA 23890 to the Building Code Appeals Board for a three year term, beginning July 1, 2014 and ending June 30, 2018.

7

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

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Raymond L. Warren

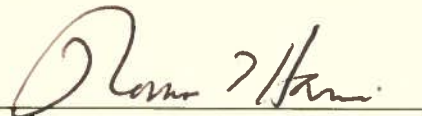
VOTE:

aye
aye
aye
aye
aye
aye

R-14-139: Appointment to Building Code Appeals Board

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HAMLIN and carried:
RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Jeffery Gary, 14044 Courthouse Road, Waverly VA 23890 to the Building Code Appeals Board for a three year term, beginning July 1, 2014 and ending June 30, 2017.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

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Raymond L. Warren

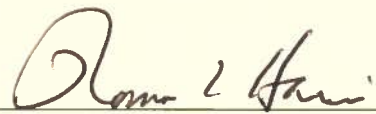
VOTE:

aye
aye
aye
aye
aye
aye

R-14-140: Appointment to Blackwater Regional Library Board

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried:
RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mrs. Charlene Pope, 8593 Harrell Mill Road, Waverly VA 23890 to the Blackwater Regional Library Board of Trustees for a four year term, beginning July 1, 2014 and ending June 30, 2018.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-141: School Board Request

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the request by the School Division to appropriate additional funds in the amount of \$922,084.00.

A COPY TESTE:

Thomas E. Harris, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-142: Smart Beginnings

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves of always keeping a member of the Board of Supervisors or an interested citizen on the Smart Beginnings Board

A COPY TESTE:

Thomas E. Harris, Clerk



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Alfred G. Futrell
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Raymond L. Warren

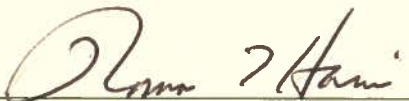
VOTE:

aye
aye
aye
aye
aye
aye

R-14-143: Historical Foundation Grant Application

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the County Administrator to draft a letter of support to the Cameron Foundation endorsing the grant application to be filed by the Sussex Historical Society, which is due June 27, 2014.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-144: Sussex Service Authority Operating Agreement

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and authorizes the County Administrator to sign the Sussex Service Authority Operating Agreement upon final review by the County Attorney.

A COPY TESTE:



Thomas E. Harris, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-145: Office Space Reserved for Magistrates/Office Space for Sheriff's Department

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and authorizes the County Administrator to work with Sheriff Raymond R. Bell to locate the County Sheriff's Department Investigative Staff in the Offices formerly to be used by the Magistrates in exchange for adequate space in the Sheriff's Office for fiber cable connection and equipment.

A COPY TESTE:

Thomas E. Harris, Clerk



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PRESENT:

Charlie E. Caple, Jr.
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Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-146: Fiscal Year 2015 Budget (Emergency Expenditures Policies)

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby gives approval to the County Administrator authority to enact the emergency expenditures policies to help minimize any negative impacts on the County's financial resources resulting from the delayed FY 2015 State Budget; to wit: (a) Outside Agencies: Unless it is deemed an operational emergency no Outside Agency will receive full FY-2015 approved funding from Sussex County until no less than 45 days after the FY-2015 State Budget is approved or July 1, 2014 whichever occurs last; (b) Capital Projects: Unless it is deemed critical to County Service delivery, a public safety need or will cost Sussex County penalties and/or interest, all approved FY-2015 Capital Projects will be delayed until at least 45 days after the FY-2015 State Budget is approved or July 1, 2014 whichever occurs last; (c) Personnel: Currently existing vacant positions will be delayed until no later than 45 days after the FY-2015 State Budget is approved or July 1, 2014 whichever occurs last, if such appointment or hiring will require additional funding.

A COPY TESTE:

Thomas E. Harris, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-147: Old Administration Building

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried:
RESOLVED that the Sussex County Board of Supervisors instructs the County Administrator to seek bids to repair the existing roof on the building formerly occupied by County Administration and bring the results back to the Board.

A COPY TESTE:

Thomas E. Harris, Clerk



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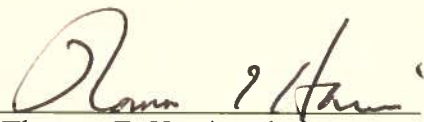
VOTE:

aye
aye
aye
aye
aye
aye

R-14-148: Authorization to Auction Surplus Items

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees to hold an auction to sell the surplus items that are located at Animal Shelter and the modular units, with the exception that citizens of Sussex County can convince the Board that they can make a good use of the modular units.

A COPY TESTE:



Thomas E. Harris, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
nay
aye
aye
aye
nay

R-14-149: Approval of Minutes of December 3, 2012 Meeting

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the minutes of the December 3, 2012 meeting (since the litigation surrounding those minutes is now over).

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-150: RFP For Consulting Firm For County Administrator's Search

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs County Administration to immediately prepare and advertise a Request For Proposals for a consulting firm to perform the search for the next Sussex County Administrator, in accordance with the Procurement Act.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

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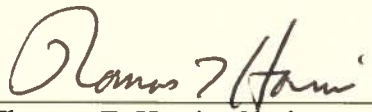
VOTE:

aye
aye
aye
aye
aye
aye

R-14-151: Closed Session

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby enter Closed Session for the following: (a) Advice of Legal Counsel, applicable Closed Session 2.2-3711(A)(5) Discussion of prospective business or industry or the expansion of an existing business or industry, where no previous announcement has been made – general location near the Town of Waverly and to the south of the present US 460; and (b) Section 2.2-3711(A)(7) to receive advice from legal counsel and to discuss pending litigation, within the federal district court eastern district of Virginia, Richmond division, styled Morrison v Fly, et al.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-152: Return To Open Session

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-153: Certification of Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard discussed or considered.

A COPY TESTE:

Thomas E. Harris, Clerk



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PRESENT:

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Robert E. Hamlin
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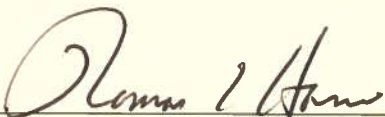
VOTE:

aye
aye
aye
aye
aye
aye

R-14-154: Action on George E. Morrison v Carl Fly, Sr., et al

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors of the County of Sussex, Virginia (the "Board") hereby agrees to settle the matter styled George E. Morrison, III v Carl Eric Fly, Sr., et al, pending in the United States District Court for the Eastern District of Virginia, Richmond Division. Such settlement shall be in accord with the terms and provisions contained in a document entitled "Memorandum of Understanding Re Settlement Agreement," this document having been executed at the conclusion of the mediation conference prescribed by the Court but contingent upon approval of the Board. The Chairman and the Vice Chairman of the Board, either of whom may act, are hereby authorized to execute the agreement memorializing the provisions and terms of the settlement. Such agreement and all provisions and terms contained therein, shall be and shall remain confidential and, accordingly, shall not be subject to public access or disclosure, the agreement being a contract settling a public employee employment dispute and held in confidential as a personnel record specifically excepted from public access or disclosure by Section 2.2-3705.8 of the 1950 Code of Virginia, as amended, the Virginia Freedom of Information Act.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-155: Adjournment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the June 19, 2014 meeting of the Sussex County Board of Supervisors hereby is hereby adjourned.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 19th day of June 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

Action on George E. Morrison v Carl Fly, Sr., et al

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors of the County of Sussex, Virginia (the "Board") hereby agrees to settle the matter styled George E. Morrison, III v Carl Eric Fly, Sr., et al, pending in the United States District Court for the Eastern District of Virginia, Richmond Division. Such settlement shall be in accord with the terms and provisions contained in a document entitled "Memorandum of Understanding Re Settlement Agreement," this document having been executed at the conclusion of the mediation conference prescribed by the Court but contingent upon approval of the Board. The Chairman and the Vice Chairman of the Board, either of whom may act, are hereby authorized to execute the agreement memorializing the provisions and terms of the settlement. Such agreement and all provisions and terms contained therein, shall be and shall remain confidential and, accordingly, shall not be subject to public access or disclosure, the agreement being a contract settling a public employee employment dispute and held in confidential as a personnel record specifically excepted from public access or disclosure by Section 2.2-3705.8 of the 1950 Code of Virginia, as amended, the Virginia Freedom of Information Act.

A COPY TESTE:

Thomas E. Harris, Clerk